

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 13, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 10MD-057

MAUI

Cancellation of Governor's Executive Order Nos. 2054 and 2400 and Reset Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, Together with the Offshore Mooring Area known as the Lahaina Roadstead Mooring Area, for Lahaina Small Boat Harbor Purposes, Waianae, Puako and Pakala, Lahaina, Maui, TMK: (2) 4-6-01: 2, 14 and 17

CONTROLLING AGENCY (of subject executive order):

Department of Transportation (DOT), by way of Governor's Executive Order Nos. 2054 and 2400 (GEO 2054 and GEO 2400).

APPLICANT (requesting set aside):

Department of Land and Natural Resources, Division of Boating and Ocean Recreation (DLNR-DOBOR).

LEGAL REFERENCE:

Act 272, SLH 1991 and Section 171-11, HRS, as amended.

LOCATION:

Portion of the Government (Crown) lands of Waianae and portion of the Government lands of Puako (Exhibit A) and portion of the Government submerged lands in the offshore waters of Lahaina (Exhibit B), situated at Lahaina, Maui, identified by Tax Map Key: (2) 4-6-01: 2, 14 and 17.

AREA:

Lahaina Small Boat Harbor (GEO 2054): 10.638 acres.

Addition to Lahaina Small Boat Harbor (GEO 2400): 0.918 acres.

Lahaina Roadstead Mooring Area (Parcels 1 and 2): 86.046 acres.

ZONING:

State Land Use District:	Urban and Conservation
County of Maui CZO:	Commercial on the 5(a) lands only, the county governments has no jurisdiction over State conservation lands.

TRUST LAND STATUS:

Sections 5(a) and 5(b) lands of the Hawaii Admission Act.

DHHL 30% entitlement lands pursuant to the State Constitution: NO

CURRENT USE STATUS:

GEO 2054 setting aside 10.638 acres to DOT for Lahaina Small Boat Harbor purposes.

GEO 2400 setting aside 0.918 acres to DOT as an addition to the Lahaina Small Boat Harbor.

Lahaina Roadstead Mooring Area, Parcels 1 and 2, containing 86.046 acres is unencumbered.

PURPOSE OF SET ASIDE:

Lahaina Small Boat Harbor purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

REMARKS:

The Lahaina Small Boat Harbor and Lahaina Roadstead Mooring Area are among the fifty-four (54) small boat harbors, launching ramps, jetties, wharves and landings in the State being transferred from DOT to DLNR, pursuant to Act 272, SLH 1991. Since the passage of Act 272, the Board has approved six (6) of the above fifty-four (54) facilities for transfer, by governor's executive order, to DLNR-DOBOR.

The Lahaina Small Boat Harbor is located on the northwestern coast of Maui and is currently under the operation of Governor's Executive Order Nos. 2054 and 2400 to DOT. The Lahaina Small Boat Harbor consists of ninety-nine (99) berths/moorings accommodating both recreational and commercial vessels.

The harbor's improvements include a harbor agent office, comfort station, pump-out facility, fuel facility, a pier, and water/electricity is available.

The Lahaina Roadstead Mooring Area is located just offshore from the Lahaina Small Boat Harbor. The Roadstead Mooring Area, formerly encumbered by canceled Governor's Executive Order No. 3385 (GEO 3385) to

DOT, consists of 86.046 acres and provides safe anchorage for the overflow of vessels from the Lahaina Small Boat Harbor. GEO 3385 was canceled by Governor's Executive Order No. 3940, dated August 13, 2002.

In addition to the Roadstead Mooring Area, GEO 3385 included a 12.315-acre portion known as the Mala Wharf Mooring Area. At its meeting on March 11, 2010, under agenda item D-13, the Board approved setting aside the Mala Wharf Mooring Area together with the Mala Wharf Small Boat Launching Ramp to DLNR-DOBOR.

Agency and community comments were not solicited for the requested reset aside of the Lahaina Small Boat Harbor and Roadstead Mooring Area to DLNR-DOBOR, as this action was legislatively mandated.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order Nos. 2054 and 2400, subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time.
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside.
 - C. Review and approval by the Department of the Attorney General.
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor issuance of an executive order resetting aside the subject lands to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time.
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside.

- C. Review and approval by the Department of the Attorney General.
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gary Martin
Land Agent

APPROVED FOR SUBMITTAL:

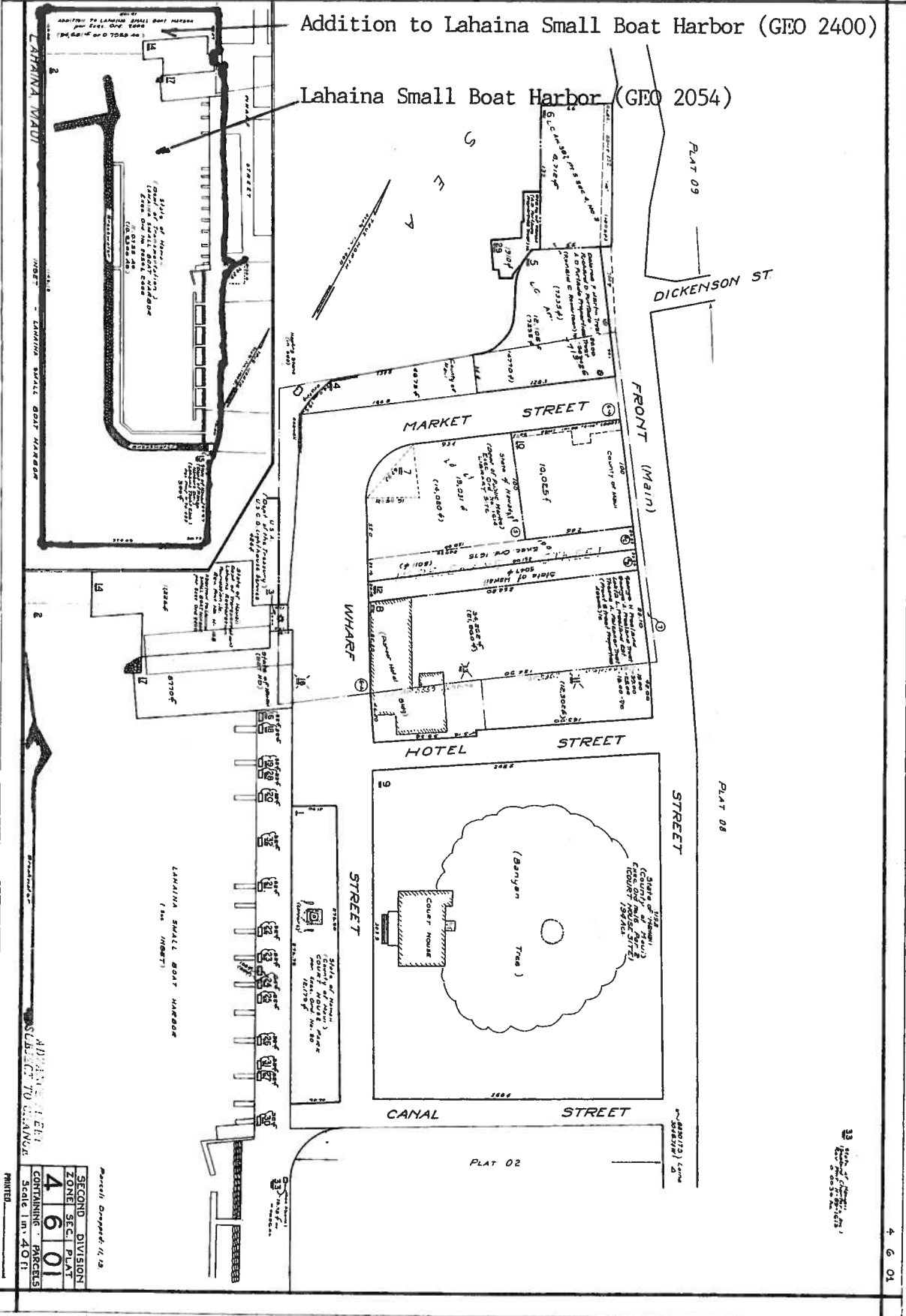


Laura H. Thielen, Chairperson

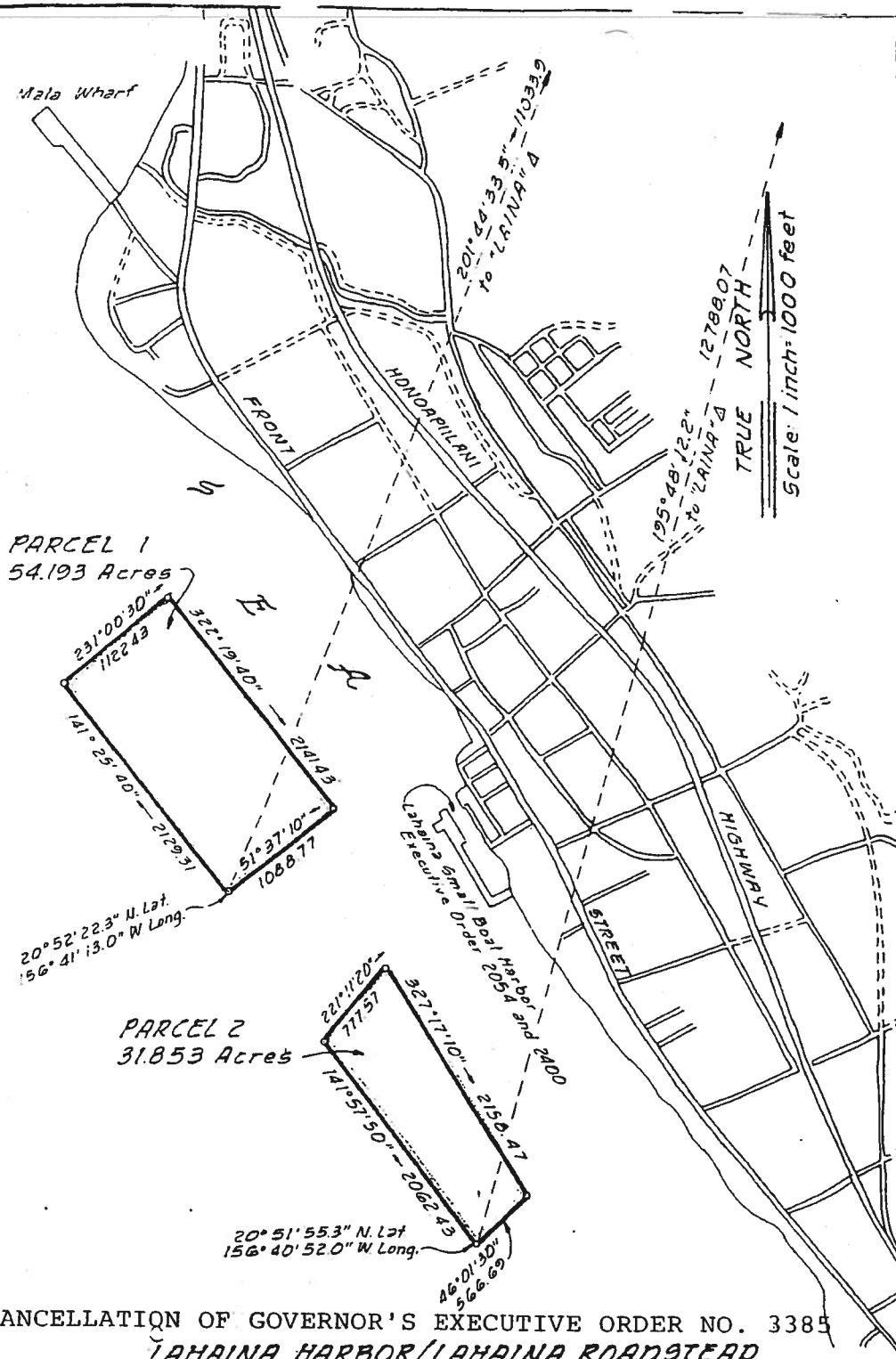


Dwg. No. 135
 By P.S.C.
 Date 12-1-54
 Source Tax Dept. Survey

Sheet 1 of 2
 Date 12-1-54
 Source Tax Dept. Survey



4	6	01
SECOND	DIVISION	
ZONE	SEC.	PLAT
CONTAINING	PAGES	
Scale 1 in. = 40 ft.		



CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 3385
 LAHAINA HARBOR/LAHAINA ROADSTEAD
 MOORING AREA
 PARCELS 1 AND 2
 Situate in the Offshore Waters of Lahaina
 Lahaina, Maui, Hawaii
 Scale 1 inch = 1000 feet

REDUCED NOT TO SCALE

JOB Ma-12-98
 C.BK

TAX MAP 4-6-01

C. S. F. No. 20757

SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
 STATE OF HAWAII

EXHIBIT "B"

WA Jr May 6, 1988